

# Temporary Disability Benefits

If you get hurt on the job and can't do your usual work for a while, you may be eligible for **temporary disability (TD)** benefits.

TD benefits are payments you receive if you lose wages because:

- Your treating doctor says you can't do your usual work for more than three days, or you are hospitalized overnight.

—and—

- Your employer does not offer you other work that pays your usual wages while you recover.

Inside:

Two types of TD .....	2
Payment amounts .....	2
Payments begin .....	4-5
Payments end .....	5



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## Two Types of TD—Total and Partial

There are two types of TD benefits, depending on whether you can or cannot work while recovering. If you can't work *at all* while recovering, you receive **temporary total disability (TTD)** payments. TTD payments are described on pages 2–3. If you can do *some* work while recovering, you receive **temporary partial disability (TPD)** payments. TPD payments are described on pages 3–4.

### Other Benefits Besides TD

If you are hurt on the job, your employer must pay for **medical care** to help you recover. Get the factsheet “After You Get Hurt on the Job” (listed on page 8).

You may be eligible for other financial assistance, such as **State Disability Insurance**. To find out about these benefits, get the factsheet “For More Information” (listed on page 8).

TD benefits are paid only while you are recovering. Some injured workers later receive **permanent disability** benefits and **vocational rehabilitation** services and payments, which are different from TD benefits. To find out about these other benefits, see get the factsheets “Permanent Disability Benefits” and “For More Information” (listed on page 8).

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## TD Payment Amounts

As a general rule, TD pays **two-thirds** of the **gross** (pre-tax) wages you lose while you're recovering from a job injury. However, you can't receive more than a **maximum weekly amount** set by law.

**Note:** You don't pay federal, state, or local income taxes on TD benefits. Also, you don't pay Social Security taxes, union dues, or retirement fund contributions.

The information in this factsheet gives you a rough idea of TD benefit amounts. Determining exact TD amounts can be complicated, especially for workers who:

- had a second job when injured
- had seasonal jobs
- had wages that rose or fell
- were scheduled for a wage increase after the date of injury
- received TD benefits for over two years.

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## Temporary Total Disability (TTD)

TTD payments are usually two-thirds of the wages you were earning (from *all* your jobs) before you were injured. However, they can be greater than this if you were scheduled for a wage increase after the date of injury.

**Example:** If the gross wages that you would be earning if you were not injured are \$300 per week, your TTD payments will be \$200 per week.

## Maximum Limits on TTD Payments

You can't receive more than a maximum weekly amount set by law. Depending on the amount of your wages before you were injured, you could receive *less* than two-thirds of those wages.

- If your date of injury is July 1996 or later and the gross wages you were earning before you were injured were more than \$735 per week, your TTD payments will be the maximum — \$490 per week.
- If your date of injury is between July 1995 and June 1996 and the gross wages you were earning before you were injured were more than \$672 per week, your TTD payments will be the maximum — \$448 per week.
- If your date of injury is between July 1994 and June 1995 and the gross wages you were earning before you were injured were more than \$609 per week, your TTD payments will be the maximum — \$406 per week.

For an example, see page 6.

## TTD Payments for Low-Wage Workers

Different rules apply to low-wage workers. If your gross wages were less than \$189 per week before you were injured, you receive *more* than two-thirds of those wages:

- If your gross wages were between \$126 and \$189 per week before you were injured, your TTD payments will be \$126 per week.
- If your gross wages were less than \$126 per week before you were

injured, your TTD payments will be the same as those gross wages.

For examples, see page 6.

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## Temporary Partial Disability (TPD)

Your employer may offer you different work that you can do safely while recovering. Or your employer may give you a reduced work schedule. If you don't earn as much as you did before you were injured, you may be eligible to receive TPD payments. These are usually two-thirds of your lost wages.

**Example:** If the gross wages you were earning before you were injured were \$300 per week and you are now back at work making \$210 per week, your loss in wages is \$90 per week. Your TPD payments are \$60 per week (two-thirds of \$90).



**Your employer may offer you different work that you can do safely while recovering.**

## Maximum Limits on TPD Payments

You can't receive more than a maximum weekly amount set by law. Depending on the wages you were earning before you were injured, you may receive *less* than two-thirds of your lost wages.

For more information, see page 7.

## TPD Payments for Low-Wage Workers

Different rules apply to low-wage workers. If you earned less than \$189 per week before you were injured, you receive *more* than two-thirds of your lost wages.

For more information, see page 7.

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## When TD Payments Begin

If your injury is covered by workers' compensation, your first TD payment is due within 14 days after your employer learns that:

- You have a job injury or illness  
—and—
- Your treating doctor says you can't do your usual job.

You should receive this payment from a **claims administrator**, a person who handles workers' compensation claims for your employer. The claims administrator must also send you a letter explaining how the payment amount was calculated.

After the first payment, TD benefits must be paid every two weeks, for as long as you are eligible.

**Q.** *Can my first TD payment be delayed?*

**A.** Sometimes. If the claims administrator can't determine whether your injury is covered by workers' compensation, he or she may delay your first TD payment while investigating. A delay is usually not longer than 90 days.

If there is a delay, the claims administrator must send you a **delay letter**. It must explain:

- Why you won't receive payments within the first 14 days
- What information the claims administrator needs in order to decide if you are eligible for TD benefits
- When a decision will be made.

If there are further delays, the claims administrator must send you additional delay letters.

(If the claims administrator doesn't send you a letter *denying* your claim within 90 days after you filed the claim form, your claim is considered accepted in most cases.)

If you have questions about delays, see page 7.

**Q.** *Is the claims administrator required to pay a penalty for delays in TD payments?*

**A.** It depends. If the claims administrator sends a payment

late, he or she must pay you an additional 10% of the payment. This is true even if there was a reasonable excuse for the delay. However, there's no penalty if the claims administrator sends you a delay letter as explained above.

You could be awarded a substantial *extra* payment if there was *no* reasonable excuse for the delay.

For help with delays, see page 7.

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## When TD Payments End

TD payments end when:

- Your treating doctor says you can return to your usual job (whether or not you actually return to work)  
—or—
- You return to your usual job or to modified work at your regular pay  
—or—
- Your treating doctor says that you will never recover completely *and* that you

have reached a point where your condition is not improving and not getting worse. (When this happens, your condition is called **permanent and stationary**.)

When TD payments end, the claims administrator must send you a letter explaining why the payments are ending. The letter must list all TD payments sent to you. This letter must be sent within 14 days after your final TD payment.

If your treating doctor says that you will never recover completely, you may be eligible to receive **permanent disability** benefits or **vocational rehabilitation** services and payments (or both). Get the factsheets “Permanent Disability Benefits” and “For More Information” (listed on page 8).

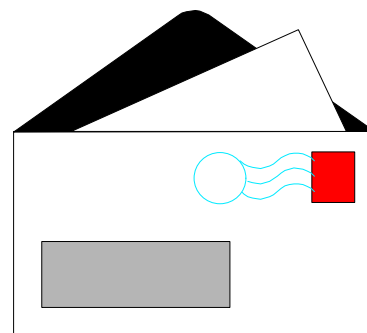
**Q.** *My TD payments stopped without explanation. What should I do?*

**A.** If the claims administrator did not send you a letter explaining why TD payments ended, see page 7.






### Notices About TD Payments

The claims administrator must keep you up to date by sending letters that explain:

- How TD payment amounts were determined
- Why TD payments will be delayed
- Reasons for changes in TD payment amounts
- Why TD benefits are ending.



# Temporary Total Disability Payments—Some Examples

Occupation	Gross Wages Before Injury	TTD Payments	Reason
<b>Carpenter</b> 	\$1,000 per week	\$490 per week	This is the maximum for workers injured July 1996 or later.
<b>Secretary</b> 	\$600 per week	\$400 per week	This is two-thirds of the wages earned before the injury.
<b>Baker and Janitor</b> (1 person with 2 jobs) 	\$420 per week as baker, \$150 per week as janitor, \$570 per week total	\$380 per week (if the injury was caused by the higher-paying job)	This is two-thirds of the wages from both jobs combined.
<b>Nurse's Aide</b> (part-time) 	\$150 per week	\$126 per week	This amount is paid if the worker earned between \$126/week and \$189/week before the injury (low-wage worker).
<b>Kitchen Helper</b> (part-time) 	\$100 per week	\$100 per week	This is the same as the wages earned before the injury (low-wage worker).



## KEEP YOUR CLAIM ON TRACK

**S**ome injured workers get their benefits quickly, with no trouble at all. Others face problems and delays. This page gives tips on how to take charge of your case and make sure your rights are protected.

Whether or not you have a problem:

- ◆ **Keep good records.** You will probably fill out and receive many forms and other papers. Keep copies of *everything*, including envelopes showing postmarks!
  - Keep notes of all discussions you have with the people involved in your claim.
  - Keep track of your medical condition and how it affects your ability to work.
  - Request in writing that the claims administrator give you copies of all medical reports and other documents.
  - Save pay stubs and time sheets showing your income, the dates you worked, and when you were off work.
  - Keep records of any out-of-pocket expenses that workers' compensation could cover (like prescriptions or travel costs to medical appointments).
- ◆ **Learn more about workers' compensation.** The laws and procedures in workers' compensation are complicated. What applies to another injured worker may not apply to you. Learn what your rights are, and don't be afraid to ask questions. To get the factsheet "For More Information," see page 8.

If you have a concern, speak up. See whether **your employer** or the **claims administrator** can agree to resolve the problem. If this doesn't work, don't delay getting help. Try the following:

- ◆ **Contact an Information & Assistance officer.** State I&A officers answer questions and help injured workers. They may provide information and forms and help resolve problems with your claim. They hold workshops around the state. To contact a local office, check the Government Pages at the front of the white pages of your phone book. Look under: State Government Offices/Industrial Relations/Workers' Compensation.
- ◆ **Consult an attorney.** Lawyers who specialize in helping injured workers with their workers' compensation claims are called **applicants' attorneys**. Their job is to plan a strategy for your case, gather information to support your claim, keep track of deadlines, and represent you in hearings before a **Referee** (workers' compensation judge) of the **Workers' Compensation Appeals Board**. Most attorneys offer one free consultation. If you hire an attorney, the attorney's fee will be taken out of benefits that you receive later. A Referee must approve the fee. For names of applicants' attorneys, call the State Bar (☎ 1-415-241-2100), a local bar association, or the California Applicants' Attorneys Association (☎ 1-800-459-1400).
- ◆ **Contact your union.** Your union may be able to help resolve problems, tell you about other benefits, negotiate changes needed in your job, and protect you from job discrimination.
- ◆ **Represent yourself.** If you can't get help from the above resources, you can prepare your own case and request a hearing before a Referee. For instructions, contact an Information & Assistance officer (see above).

For more information, contact: *(distributor's name and phone)*

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**This is one of a series of factsheets, which include:**

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- What Every Worker Should Know (#1)  
*(workers' compensation benefits and choosing a doctor in case you are hurt on the job)*
- After You Get Hurt on the Job (#2)  
*(steps to take, getting appropriate medical care, working while recovering, other financial help, and facts about job discrimination)*
- Permanent Disability Benefits (#3B)  
*(medical reports, ratings, payments, and settlement)*
- For More Information (#4)  
*(written materials, places to seek help with your claim, and other types of assistance)*
- Hurt on the Job? Information Alert for Teens  
*(Factsheet for Young Workers)*

To obtain these factsheets, contact the state Division of Workers' Compensation. Call toll-free ☎ 1-800-736-7401, or check the Government Pages at the front of the white pages of your phone book and look up: State Government Offices/Industrial Relations/Workers' Compensation/Information & Assistance. To view the factsheets, go to the following Web site (many public libraries provide access to the Web): **www.dir.ca.gov**. Through this Web site, link to: Commission on Health and Safety and Workers' Compensation.

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The information in this factsheet is true in most situations. However, some **rules, exceptions, and deadlines** not covered here may apply to you and affect your case. To learn more, see the factsheet For More Information.

The information here describes the California workers' compensation system as of January 1998. It applies to most private, state, and local government employees whose "date of injury" is 1994 or later.